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In re Application of :
Ali Kiagawa et al :
Serial No.: 09/834,103 : PETITION DECISION
Filed: April 12, 2001 :
Attorney Docket No.: 12372-002001 :

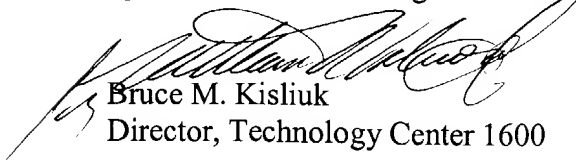
This is in response to the petition under 37 CFR 1.181, filed November 6, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Final Office action to applicants on January 8, 2003, setting a three month shortened statutory period for reply. Upon failure to receive a reply the examiner mailed a Notice of Abandonment to applicants on September 4, 2003. Applicants state that a reply consisting of an amendment, RCE papers and a request for a three month extension of time and the fees therefore were filed July 8, 2003, and provide an Office date stamped postcard (dated July 11, 2003) evidencing receipt of the reply by the Office. The response was later located and correlated with the file. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

It is further noted that prior to this petition being forwarded for consideration the examiner mailed a new Office action to applicants. In effect that Office action restored the application to pending status and this decision is merely to complete the record that the action taken was proper and correct. Applicants remain under obligation to reply to the outstanding Office action within the time period set therein or as may be extended under 37 CFR 1.136(a).

The petition is **GRANTED** retroactively.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-272-0519 or by facsimile sent to the general Office facsimile number.


Bruce M. Kisliuk
Director, Technology Center 1600